

AMENDED IN ASSEMBLY MAY 8, 2007

AMENDED IN ASSEMBLY APRIL 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1275

Introduced by Assembly Member DeSaulnier

February 23, 2007

An act to amend Sections 26840.10 and 26840.11 of the Government Code, and to add Sections 103629 and 103629.5 to the Health and Safety Code, relating to domestic violence.

LEGISLATIVE COUNSEL'S DIGEST

AB 1275, as amended, DeSaulnier. Domestic violence: certified copies of vital records: fees.

Existing law requires the collection of fees for certified copies of fetal death or death records and marriage or birth certificates.

Existing law authorizes certain cities and counties, *including, until January 1, 2010*, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, to authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, and to provide funding for governmental oversight and for the coordination of domestic violence prevention, intervention, and prosecution efforts in the county.

This bill would authorize a county board of supervisors, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, to authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death

records, for the purpose of funding governmental oversight and coordination of domestic violence prevention, early intervention, and prosecution efforts in the county, up to a maximum increase of \$4.

This bill would also authorize a county that elects to increase these fees for these purposes to authorize, effective July 1 of each year, an additional increase in these fees by an amount equal to the increase in the Consumer Price Index for the state for the preceding calendar year, as specified.

The bill would also require a county that elects to increase these fees for the purpose of funding governmental oversight and coordination of domestic violence prevention, early intervention, and prosecution efforts in the county, *commencing in 2010*, to submit an annual report to the Assembly Committee on Judiciary and the Senate Committee on Judiciary that contains specified information related to the funds received and expended from the fee increases.

Existing law further requires the Alameda county Board of Supervisors and the Solano County Board of Supervisors to submit to the Assembly Committee on Judiciary and the Senate Committee on Judiciary, no later than July 1, 2009, a report containing specified information on the above-mentioned fee increases for those counties.

This bill would revise that reporting requirement to require the Alameda County Board of Supervisors and the Solano County Board of Supervisors to also submit to those legislative committees a first report, containing that information on those fee increases, no later than July 1, 2008.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Domestic violence is costly, both in human and
- 4 organizational terms. The results of domestic violence have many
- 5 “hidden” costs, such as job turnover, loss of productivity, school
- 6 absenteeism, and low-school performance, in addition to the high
- 7 cost of law enforcement, civil and criminal justice, health services,
- 8 mental health services, substance abuse treatment, human services,
- 9 and community-based services.

1 (b) Domestic violence cuts across all economic and education
2 levels, all age groups, ethnicities, and other social and community
3 characteristics. Domestic violence is characterized by a predictable,
4 escalating cycle that can result in the injury or death of victims,
5 including children.

6 (c) Domestic violence puts children at risk. Children in homes
7 where domestic violence occurs are physically abused or seriously
8 neglected at a rate significantly higher than the national average
9 in the general population, according to the National Woman Abuse
10 Prevention Project in Washington, D.C.

11 (d) Domestic violence is learned and generational. Studies show
12 that boys who witness family violence are more likely to batter
13 their female partners as adults than boys raised in nonviolent
14 homes. Girls who witness their mothers' abuse have higher rates
15 of being battered as adults.

16 (e) Domestic violence requires a multifaceted intervention that
17 engages civil, criminal, health, and social service sectors working
18 together to align objectives, protocols, policies, and activities of
19 each sector.

20 (f) Contra Costa County determined that achievement of this
21 alignment requires governmental oversight and coordination of
22 the multiple agencies involved in the domestic violence system.
23 This oversight and coordination is an essential link in a
24 comprehensive effort to eliminate domestic violence.

25 (g) During the past four years, Contra Costa County has created
26 a successful domestic violence program. Contra Costa County has
27 established a coordinated data system, set up a training program
28 involving law enforcement, courts, and health and social service
29 agencies, established restraining order clinics and other victim
30 support services, and increased accountability measures against
31 perpetrators of domestic violence.

32 (h) Contra Costa County has demonstrated critically needed
33 leadership through its Systemic Approach Model of addressing
34 domestic violence by integrating victim services across multiple
35 disciplines and advancing public-private partnerships to
36 institutionalize coordination. Moreover, through its effective
37 centralized collaborative approach, Contra Costa County is
38 addressing system issues critical to California which were described
39 in the California Attorney General's Domestic Violence Report

entitled “Keeping the Promise, Victim Safety and Batterer Accountability,” issued in June of 2005.

(i) (1) Contra Costa County has further determined that the fees authorized by Section 26840.7 of the Government Code are not sufficient or allowable for governmental oversight and coordination, as these funds are to be used only for domestic violence centers offering direct services, and are currently fully utilized for that purpose.

(2) Contra Costa County has further determined that the fees authorized by this act shall not exceed the cost of governmental oversight and coordination of the domestic violence system.

SEC. 2. Section 26840.10 of the Government Code is amended to read:

26840.10. (a) The Alameda County Board of Supervisors, upon making findings and declarations for the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a maximum increase of two dollars (\$2).

(b) Effective July 1 of each year, the Alameda County Board of Supervisors may authorize an increase in these fees by an amount equal to the increase in the Consumer Price Index for the San Francisco metropolitan area for the preceding calendar year, rounded to the nearest half-dollar (\$0.50). The fees shall be allocated pursuant to Section 18309 of the Welfare and Institutions Code.

(c) In addition to the fee prescribed by Section 26840.1, in Alameda County, the person issuing authorization for the performance of a marriage or confidential marriage, or the county clerk upon providing a blank authorization form pursuant to Part 4 (commencing with Section 500) of Division 3 of the Family Code, shall collect the fees specified in subdivisions (a) and (b), at the time of providing the authorization.

(d) The Alameda County Board of Supervisors shall submit to the Assembly Judiciary Committee and the Senate Judiciary Committee, *no later than July 1, 2008, a first report, and, no later than July 1, 2009, a second report* containing the following information:

(1) The annual amounts of funds received and expended from fee increases for the purpose of governmental oversight and

1 coordination of domestic violence prevention, intervention, and
2 prosecution efforts in the county.

3 (2) Outcomes achieved as a result of the activities associated
4 with the implementation of this section.

5 (e) This section shall remain in effect only until January 1, 2010,
6 and as of that date is repealed, unless a later enacted statute deletes
7 or extends that date.

8 *SEC. 3. Section 26840.11 of the Government Code is amended*
9 *to read:*

10 26840.11. (a) The Solano County Board of Supervisors, upon
11 making findings and declarations for the need for governmental
12 oversight and coordination of the multiple agencies dealing with
13 domestic violence, may authorize an increase in the fees for
14 marriage licenses and confidential marriage licenses, up to a
15 maximum increase of two dollars (\$2).

16 (b) Effective July 1 of each year, the Solano County Board of
17 Supervisors may authorize an increase in these fees by an amount
18 equal to the increase in the Consumer Price Index for the San
19 Francisco metropolitan area for the preceding calendar year,
20 rounded to the nearest one-half dollar (\$0.50). The fees shall be
21 allocated pursuant to Section 18309.5 of the Welfare and
22 Institutions Code.

23 (c) In addition to the fee prescribed by Section 26840.1, in
24 Solano County, the person issuing authorization for the
25 performance of a marriage or confidential marriage, or the county
26 clerk upon providing a blank authorization form pursuant to Part
27 4 (commencing with Section 500) of Division 3 of the Family
28 Code, shall collect the fees specified in subdivisions (a) and (b),
29 at the time of providing the authorization.

30 (d) The Solano County Board of Supervisors shall submit to
31 the Assembly and Senate Committees on Judiciary, *no later than*
32 *July 1, 2008, a first report, and, no later than July 1, 2009, a second*
33 *report* containing the following information:

34 (1) The annual amounts of funds received and expended from
35 fee increases for the purpose of governmental oversight and
36 coordination of domestic violence prevention, intervention, and
37 prosecution efforts in the county.

38 (2) Outcomes achieved as a result of the activities associated
39 with the implementation of this section.

(e) This section shall remain in effect only until January 1, 2010, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2010, deletes or extends that date.

~~SEC. 2.~~

SEC. 4. Section 103629 is added to the Health and Safety Code, to read:

103629. (a) A county board of supervisors, upon making findings and declarations supporting the need for governmental oversight and coordination of the multiple agencies dealing with domestic violence, may authorize an increase in the fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, up to a maximum increase of four dollars (\$4).

(b) Effective July 1 of each year, a county that elects to increase fees for certified copies of marriage certificates, birth certificates, fetal death records, and death records, pursuant to subdivision (a), may authorize an additional increase in these fees by an amount equal to the increase in the Consumer Price Index for the state for the preceding calendar year, rounded to the nearest half dollars.

(c) (1) Proceeds collected pursuant to this section shall be used for governmental oversight and coordination of domestic violence and family violence prevention, intervention, and prosecution efforts among the court system, the district attorney's office, the public defender's office, law enforcement, the probation department, mental health, substance abuse, child welfare services, adult protective services, and community-based organizations and other agencies working in the county in order to increase the effectiveness of prevention, early intervention, and prosecution of domestic and family violence.

(2) Any fees authorized by subdivision (a) or (b) shall not exceed the cost of governmental oversight and coordination of the county's domestic violence program, as described in paragraph (1).

(d) In addition to the fees prescribed by subdivisions (a) and (b), any applicant for a certified copy of a birth certificate, a fetal death record, or death record in a county shall pay an additional fee to the local registrar, county recorder, or county clerk, as applicable, as established by the county board of supervisors.

~~SEC. 3.~~

SEC. 5. Section 103629.5 is added to the Health and Safety Code, to read:

1 103629.5. If a county elects to increase fees pursuant to Section
2 103629, the county shall submit a report to the Assembly
3 Committee on Judiciary and the Senate Committee on Judiciary,
4 by July 1 of each year, commencing in 2010, that contains both
5 of the following:

6 (a) The annual amount of funds received and expended from
7 fee increases for the purpose of governmental oversight and
8 coordination of domestic violence prevention, intervention, and
9 prosecution efforts in the county.

10 (b) Outcomes achieved as a result of the activities associated
11 with the implementation of Section 103629.

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